IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 996 OF 2004

Govind S. Manjrekar, since
deceased, through legal heirs
Motiram G. Manjarekar & Ors. ..Appellants

versus

Narayan Hari Sogam, since
deceased, through legal heirs
Smt. Bhagirthi Narayan Sogam & ors. ..Respondents

Mr. S. J. Ghogare for the Appellants.
Mr. S. More for the Respondents.

CORAM : D. G. DESHPANDE,J.

DATE : 25TH AUGUST, 2005

P.C. :

1. Heard advocate for the appellants and the respondents.

2. By consent, the following order is passed:

ORDER

. The Civil Judge, Junior Division, Rajapur,

will personally visit the suit site, along with the plant, written statement and the Commissioner's Report, proved on record, in the presence of the parties and/or their advocates.

. The court will find out which is the boundary between the two survey numbers and whether both the trees are on the boundary or whether they are outside the boundary and if so in whose field they are situate.

. The court will prepare report and declare it in court and that will be binding on the parties.

. In view of the above, the appeal stands disposed of.

. Certified copy expedited.

25.8.2005 (D.G. DESHPANDE, J.)